

FACSIMILE COVER SHEET

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November 4, 2004

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TO: Examiner Hayes (TC1600)

GROUP: 1647

FAX NUMBER: 703-872-9306

ATTORNEY DOCKET NO.: UT-0037

SERIAL NO.: 10/025,333

FILED: December 19, 2001

NUMBER OF PAGES: 7

MESSAGE: Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement mailed October 5, 2004 and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

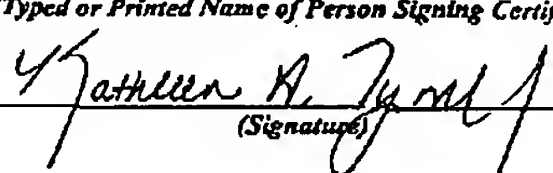
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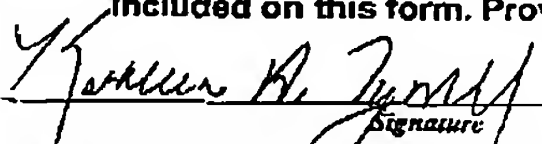
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. UT-0037
Applicant(s): Rao and Proschel			
Application No. 10/025,333	Filing Date December 19, 2001	Examiner Hayes, Robert Clinton	Group Art Unit 1647
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor			
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I hereby certify that this _____ <u>Reply to Restriction Requirement</u> _____ (Identify type of correspondence)			
Is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)			
on <u>November 4, 2004</u> (Date)			
<u>Kathleen A. Tyrrell</u> (Typed or Printed Name of Person Signing Certificate)			
<u></u> (Signature)			
Note: Each paper must have its own certificate of mailing.			

AMENDMENT TRANSMITTAL LETTER (Small Entity)					Docket No. UT-0037		
Applicant(s): Rao and Proschel							
Application No. 10/025,333	Filing Date December 19, 2001	Examiner Hayes, Robert Clinton	Customer No. 26259	Group Art Unit 1647	Confirmation No. 4765		
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor							
COMMISSIONER FOR PATENTS:							
Transmitted herewith is an amendment in the above-identified application.				RECEIVED CENTRAL FAX CENTER NOV 04 2004			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27							
The fee has been calculated and is transmitted as shown below.							
CLAIMS AS AMENDED							
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE		
TOTAL CLAIMS	14 -	20 =	0 x	\$9.00	\$0.00		
INDEP. CLAIMS	5 -	5 =	0 x	\$44.00	\$0.00		
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00		
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00		
<input checked="" type="checkbox"/> No additional fee is required for amendment.							
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____							
<input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.							
<input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619							
<input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.							
<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.							
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.							
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							
 Kathleen A. Tyrrell, Reg. No. 38,350			Dated: November 4, 2004				
Licata & Tyrrell P.C. 66 East Main Street Marlton, New Jersey 08053 Tel: 856-810-1515 Fax: 856-810-1454			<div style="border: 1px solid black; padding: 5px;"><p>I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>				
CC:							

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: UT-0037

Inventors: Rao and Proschel

Serial No.: 10/025,333

Filing Date: December 19, 2001

Examiner: Hayes, Robert Clinton

Customer No.: 26259

Group Art Unit: 1647

Confirmation No.: 4765

Title: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor

Certificate of Facsimile Transmission

I hereby certify that this document is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

On November 4, 2004


Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed October 5, 2004 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

Remarks being at page 2.

Attorney Docket No.: UT-0037
Inventors: Rao and Proschel
Serial No.: 10/025,333
Filing Date: December 19, 2001
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REMARKS

Claims 21 through 34 are pending in the instant patent application. Claims 21-34 have been subjected to a Restriction Requirement as follows:

Group I, canceled claims 1-15 and new claim 33, drawn to populations of mammalian CNS neuroepithelial stem cells, classified in class 435, subclass 325;

Group II, canceled claims 16-20 and new claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, classified in class 435, subclass 368;

Group III, claims 21-25, drawn to a method of isolating mammalian CNS neuroepithelial stem cells involving co-culturing glial and neuronal cells, classified in class 435, subclass 373;

Group IV, claims 26-30, drawn to a method of isolating mammalian CNS glial-restricted precursor cells using antibodies to capture these cells, classified in class 435, subclass 395; and

Group V, claims 31-32, drawn to a method of generating a population of mammalian CNS motoneurons, classified in class 435, subclass 377.

The Examiner suggests that these Groups are distinct because they are directed to different products which appear to

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Inventors: Rao and Proschel
Serial No.: 10/025,333
Filing Date: December 19, 2001
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constitute patentably distinct inventions. Further, the Examiner suggests that their different classification and the lack of co-extensiveness of the search would constitute an undue burden on the Examiner.

Applicants respectfully traverse this Restriction Requirement.

In accordance with MPEP § 803, there are two criteria which must be met for a proper restriction requirement. The first is that the inventions be independent or distinct; the second is that there would be serious burden on the Examiner if the restriction is not required. Searching for art relating to the cells of Groups I or II will clearly reveal any art relating to methods for isolation thereof as set forth in Groups III and IV, respectively or cells derived therefrom as set forth in Group V. Further, it is respectfully pointed out that the instant application is a continuation application of U.S. Patent Application Serial No. 08/852,744 and a search by the Examiner of the instant application of prior art relating to mammalian CNS neuroepithelial stem cells and mammalian CNS glial-restricted precursor cells was already performed. Thus, no serious burden is placed upon the Examiner by including all Groups, or at least Groups I and II, in the prosecution of this case.

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Inventors: Rao and Proschel
Serial No.: 10/025,333
Filing Date: December 19, 2001
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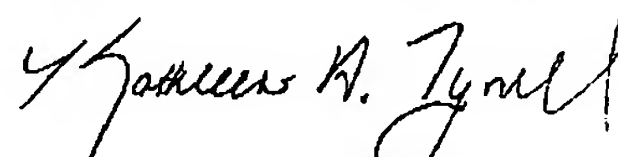
In contrast, the economic burden on Applicant by restricting this application into five separate applications is quite serious and may prohibit Applicant from obtaining the full patent coverage to which they are entitled.

Accordingly, withdrawal of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group II, claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, with traverse.

Applicants believe this reply to be completely responsive to this Restriction Requirement.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: November 4, 2004

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